

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS SEPTEMBER 21, 1998

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,197,381
Permanents and other spending legislation	912,040	868,025	
Appropriation legislation	752,279	781,902	
Offsetting receipts	-283,340	-283,340	
Total previously enacted	1,380,979	1,366,587	1,197,381
ENACTED SECOND SESSION			
1998 Emergency Supplemental Appropriations and Rescissions (P.L. 105-174)	-2,039	310	
Transportation Equity Act for the 21st Century (P.L. 105-178) ¹	-923	-440	
Care for Police Survivors Act of 1998 (P.L. 105-180)	1	1	
Agriculture Export Relief Act of 1998 (P.L. 105-194)	7	7	
Internal Revenue Service Restructuring and Reform Act of 1998 (P.L. 105-206) ²	-15	440	608
Homeowners' Protection Act (P.L. 105-216)	2	2	
Credit Union Membership Access Act (P.L. 105-219)			(3)
Act to establish the United States Capitol Police Memorial Fund (P.L. 105-223)			(3)
Total, enacted second session	-2,967	320	608
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	8,280	7,461	
TOTALS			
Total Current Level	1,386,292	1,374,368	1,197,989
Total Budget Resolution	1,403,402	1,372,512	1,199,000
Amount remaining:			
Under Budget Resolution	17,110		1,011
Over Budget Resolution		1,856	
ADDENDUM			
Emergencies	5,691	3,357	-8
Contingent Emergencies	329	53	
Total	6,020	3,410	-8
Total Current Level Including Emergencies	1,392,312	1,377,778	1,197,981

¹ Section 8102 of this Act directed that direct spending and revenues associated with Title VIII be excluded from the PAYGO scorecard. At the request of committee staff, this scoring has also been excluded from current level. The estimates in 1998 are \$365 million in budget authority and \$165 million in outlays for student loans.

² Title IX of this Act includes a technical correction to P.L. 105-178 that extends the PAYGO exclusion of section 8102 of that Act to also cover section 1102. At the request of committee staff, the scoring shown reflects removing from current level the effects of this section on spending for Federal-aid to highways.

³ The revenue effect of this act begins in fiscal year 1999.

Notes.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office. •

AUTHORIZING TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 281, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 281) to authorize testimony and representation of employees of the Senate in *United States v. Alphonso Michael Espy*.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a criminal prosecution brought against former Secretary of Agriculture Mike Espy, alleging acceptance of illegal gratuities and related charges. The Independent Counsel, who is bringing this prosecution, seeks testimony at trial from two present and one former employee of the Senate about communications with meat and poultry processing industry representatives and Executive Branch officials about a labeling rule promulgated by the Agriculture Department in 1993. The trial is scheduled to begin on October 1.

In keeping with the Senate's practice regarding similar matters, this resolution would authorize testimony by em-

ployees of the Senate, except where a privilege should be asserted, with representation by the Senate Legal Counsel.

Mr. MCCAIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 281

Resolved,

Whereas, in the case of *United States v. Alphonso Michael Espy*, Criminal Case No. 97-0335, pending in the United States District Court for the District of Columbia, a trial subpoena has been served upon Galen Fountain and Jo Nobles, employees of the Senate, and Leslie Chalmers Tagg, formerly an employee of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Galen Fountain, Jo Nobles, Leslie Chalmers Tagg, and any other employee from whom testimony may be required, are authorized to testify in the case of *United States v. Alphonso Michael Espy*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Galen Fountain, Jo Nobles, Leslie Chalmers Tagg, and any other employee of the Senate, in connection with testimony in *United States v. Alphonso Michael Espy*.

ORDERS FOR THURSDAY, SEPTEMBER 24, 1998

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, September 24. I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I further ask unanimous consent that the Senate then immediately proceed to vote on the motion to invoke cloture on the motion to proceed to S. 2176, the so-called Vacancies Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I further ask unanimous consent that following the cloture vote, and if cloture is not invoked, the Senate resume consideration of S. 2279, the FAA authorization bill. I further ask that there then be 10 minutes equally divided for closing remarks on the Inhofe amendment, and at the conclusion of debate time the Senate proceed to vote on or in relation to the amendment. I further ask that no second-degree amendments be in order to the Inhofe amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCAIN. For the information of all Senators, when the Senate reconvenes on Thursday, there will be an immediate vote on the motion to invoke cloture on the motion to proceed to the so-called Vacancies Act. Following that vote, the Senate will resume consideration of the FAA authorization bill, with 10 minutes of debate remaining on an Inhofe amendment regarding emergency license removal. At the conclusion of that time, the Senate will proceed to a vote on or in relation to the Inhofe amendment. Following that vote, the Senate will continue consideration of the FAA bill, with amendments being offered and debated throughout tomorrow's session. Therefore, Members should expect rollcall votes during the day and into the evening on Thursday in relation to the FAA bill or any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCAIN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Thursday, September 24, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 23, 1998:

DEPARTMENT OF JUSTICE

DENISE E. O'DONNELL, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS VICE PATRICK H. NEMOYER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATES, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HERewith:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JUDY R. EBNER, OF VIRGINIA

UNITED STATES INFORMATION AGENCY

MICHAEL L. MITCHELL, OF TEXAS
GEORGE SKARPENTZOS, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANNA MARIA F. ADAMO, OF FLORIDA
DOUGLAS M. BELL, OF CALIFORNIA
ROBERT GERALD BENTLEY, OF CALIFORNIA
LISA BRODEY, OF WASHINGTON
ROBERT GEORGE BURGESS, OF ILLINOIS
RONALD N. CAPPS, OF FLORIDA
ERIC SCOTT COHAN, OF VIRGINIA
PATRICIA ANN EGAN COMELLA, OF MARYLAND
MARK KRISTEN DRAPER, OF WASHINGTON
ERIC ALAN FLOHR, OF MARYLAND
JUSTIN PAUL FRIEDMAN, OF VIRGINIA
WILLIAM ROBERT GILL, JR., OF VIRGINIA
DAVID ROBERT GREENBERG, OF NEW JERSEY
THERESA ANN GRENCIK, OF PENNSYLVANIA
WARREN D. HADLEY, OF MISSOURI
RICHARD S.D. HAWKINS, OF NEW HAMPSHIRE
ANDREW COCHRANE HOYE, OF CALIFORNIA
KIMBERLY CHRISTINE KELLY, OF TEXAS
GREGORY PAUL MACRIS, OF FLORIDA
KAREN E. MARTIN, OF WASHINGTON
JOEL FOREST MAYBURY, OF CALIFORNIA
SEAN IAN MCCORMACK, OF MAINE
HEATHER D. MCCULLOUGH, OF ARKANSAS
BENJAMIN WARD MOELING, OF CONNECTICUT
ROBERT J. MOLINA, OF CALIFORNIA
CHRISTOPHER MONDINI, OF CALIFORNIA
ELIZABETH ANNE NOSEWORTHY, OF DELAWARE
TIMOTHY MEADE RICHARDSON, OF VIRGINIA
MARK ANDREW SHAHEEN, OF MARYLAND
WILLIAM DAVIES SOHIER III, OF MASSACHUSETTS
JAMES HARLAN THIEDE, OF CALIFORNIA
HORACIO ANTONIO URETA, OF FLORIDA
JOHN P. WHALEN, OF MASSACHUSETTS

UNITED STATES INFORMATION AGENCY

VICKI ADAIR, OF WASHINGTON
LINDA L. ERICKSON, OF FLORIDA
CATHERINE BLOWERS JAZYNSKA, OF FLORIDA
ROBERT C. KERR, OF NEW YORK
DELORES MINERVA MORTIMER, OF MICHIGAN
JULIE A. NICKLES, OF FLORIDA
PATRICIA D. NORLAND, OF THE DISTRICT OF COLUMBIA
JANE S. ROSS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARNALDO ARBESU, JR., OF FLORIDA
MICHELE BACK, OF MINNESOTA
JENNIFER L. BACHUS, OF KANSAS
DAVID F. BANKS, OF VIRGINIA
KATHY ANN BENTLEY, OF TENNESSEE
HEIDE M. BRONKE, OF TEXAS
LEE RUST BROWN, OF UTAH
JOHN A. CARINI, OF CALIFORNIA
ROBERT MADISON CONOLEY, OF OREGON
ROBERT E. COPLEY, OF COLORADO
CANDACE S. CREWS, OF ALASKA
JESSE STARR CURTIS, OF ARIZONA
RICHARD RANDALL CUSTIN, OF MICHIGAN
ALEXANDER N. DANIELS, OF ILLINOIS
JESSICA LEE DAVIES, OF CALIFORNIA
MARA ANGELA DEL PRINCE, OF VIRGINIA
JERFERNON KENNEDY DUBEL, OF FLORIDA
ADRIENNE MARIE GALANEK, OF NEW YORK
MAUREEN GLAZIER, OF CALIFORNIA
JOHN MICHAEL FRANCIS GRONDELSKI, OF NEW JERSEY
THOMAS J. GRUBISHA, OF PENNSYLVANIA
JENNIFER A. HARTHIGH, OF PENNSYLVANIA
EDWARD F. HEARTNEY, OF CALIFORNIA
AARON M. HELLMAN, OF CALIFORNIA
PATRICIA LYNN HOFFMAN, OF PENNSYLVANIA
ROBIN HOLZHAEUER, OF WISCONSIN
PAUL J. HOUGE, OF THE DISTRICT OF COLUMBIA
KURT J. HOYER, OF CALIFORNIA
NANCY L. ISRAEL, OF VIRGINIA
FREDERICK L. JONES, II, OF CALIFORNIA
KEVIN KASUMOTO, OF ILLINOIS
LIBBETH KEEFE, OF VERMONT
ROGER KENNA, OF VIRGINIA
PAUL J. KULLMAN, OF VIRGINIA
JASON N. LAWRENCE, OF CALIFORNIA
THOMAS ERIC LERSTEN, OF VIRGINIA
ALAIN Y. LETORT, OF THE DISTRICT OF COLUMBIA
HEATHER CHRISTINE LIPPITT, OF ILLINOIS
THOMAS P. MCANALLY, OF COLORADO
HENRY MARTIN MCDOWELL IV, OF ALASKA
KEVIN DAVID MCGLOTHLIN, OF FLORIDA
PATRICIA A. MELVIN, OF VIRGINIA
JOSEF E. MERRILL, OF CALIFORNIA
IRENEO TAN MIQUILABAS III, OF OHIO
VERONICA CAROLYN MOBLEY, OF VIRGINIA
ERIN STROTHER MURRAY, OF INDIANA
HEIDI NEBEL, OF VIRGINIA
BRIAN NEUBERT, OF THE DISTRICT OF COLUMBIA
ALAIN G. NORMAN, OF MARYLAND
MARIA DE GUADALUPE OLSON, OF ILLINOIS

MARIELA CALDERON OROZCO, OF VIRGINIA
STEPHANIE K. OSTROWSKI, OF VIRGINIA
BENJAMIN RALPH OUSLEY, OF NORTH CAROLINA
LAWRENCE JAMES PETRONI, OF NEW YORK
PAUL EVANS POLETES, OF SOUTH DAKOTA
ELIZABETH CARUSO POWER, OF MARYLAND
ALAN S. PURCELL, OF KENTUCKY
COLLEEN ANN QUINN, OF THE DISTRICT OF COLUMBIA
EFFREY KIMBALL RENAULT II, OF NEW HAMPSHIRE
ARLISSA MERRITT REYNOLDS, OF ARIZONA
OHN CARTER ROBERTSON, OF TEXAS
MARY KATHERINE ROBINSON, OF VIRGINIA
RUSSELL C. ROSEDALE, OF VIRGINIA
MATTHEW P. ROTH, OF KANSAS
VICKI RUNDQUIST, OF VIRGINIA
AMES L. RUSSO, OF VIRGINIA
EFFREY ALBERT SALAZAR, OF TEXAS
OSEPH E. SALAZAR, OF TEXAS
STUART L. SCHAAAG, OF FLORIDA
MARK HENRY SCHWENDLER, OF VIRGINIA
DANNETTE K. SEWARD, OF WYOMING
AARON HESS SHERINIAN, OF CALIFORNIA
SUSAN MARIE SHULTZ, OF FLORIDA
MARY PAULINE STICKLES, OF MARYLAND
JENNIFER DORSEY SUBLETT, OF MISSOURI
MARC TEJTEL, OF VIRGINIA
JAMES W. TERBUSH, OF COLORADO
CHRISTINA LOUISE TOMLINSON, OF VIRGINIA
LYNN F. TRESSLER, OF NEW YORK
MICHAEL TURNER, OF NEW YORK
PAMELA R. WARD, OF OREGON
STEPHEN SPENCER WHEELER, OF CALIFORNIA
MARK J. WILDERMUTH, OF ARIZONA
ALESHA WOODWARD, OF WASHINGTON

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF TREASURY

ROBERT S. DOHNER, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

ALLEN S. WEINER, OF THE DISTRICT OF COLUMBIA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL L. DODSON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RANDALL L. RIGBY, JR., 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JERALD N. ALBRECHT, 0000.
BRIG. GEN. WESLEY A. BEAL, 0000.
BRIG. GEN. WILLIAM N. KIEFER, 0000.
BRIG. GEN. WILLIAM B. RAINES, JR., 0000.
BRIG. GEN. JOHN L. SCOTT, 0000.
BRIG. GEN. RICHARD O. WIGHTMAN, JR., 0000.

To be brigadier general

COL. ANTHONY D. DICORLETO, 0000.
COL. GERALD D. GRIFFIN, 0000.
COL. TIMOTHY M. HAAKE, 0000.
COL. JOSEPH C. JOYCE, 0000.
COL. CARLOS D. PAIR, 0000.
COL. PAUL D. PATRICK, 0000.
COL. GEORGE W. PETTY, JR., 0000.
COL. GEORGE W. S. READ, 0000.
COL. JOHN W. WEISS, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SCOTT A. FRY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. PATRICIA A. TRACEY, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

MICHAEL C. AARON, 0000
*GILBERT ADAMS, 0000
KENNETH P. ADGIE, 0000
CLINTON E. AICHS, 0000
LARRY P. AIKMAN, JR. 0000